

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was discussed: A courtesy call was made by examiner Matthew A. Dickeson to applicant Iyad Jabri at 12:30pm at the cellular telephone number provided to USPTO on 15 December 2004, (972) 489-4062, to update the status of this application. A detailed message was left for applicant

Applicant called the examiner at 3:30pm, and indicated that the previous Office Action was never received. Applicant also indicated that his correspondence address had changed, and provided an address different than the address of record.

The examiner consulted with SPE Tuan Q. Dam, regarding the handling of this situation, and was directed to confirm with applicant whether the address of record is still valid for receiving mail, and to inform applicant to update the correspondence address with the Office as necessary. The SPE indicated that the application in its present state must be abandoned, as a result of applicant's failure to timely reply to an Office Action within the statutory response period, and that applicant may petition to revive the application after abandonment if desired.

The examiner called applicant at 3:45pm at (972) 489-4062. A detailed message was left for applicant.

Applicant called the examiner at 5:22pm; the examiner returned applicant's call at 5:30pm. Applicant was unable to confirm that the address of record is still a valid address for receiving mail. The examiner informed applicant of the need to submit a Change of Address Request Form, PTO/SB/122, to update the correspondence address and that help in filling this form out could be obtained by calling 1-800-PTO-9199, option 2. The examiner indicated that applicant may fax this form to the Office at (571) 273-8300. The examiner stated that in the alternative to sending a Change of Address Request Form PTO/SB/122, applicant may provide a request on letterhead, referencing the application serial number, title, and filing date, a statement requesting to change the correspondence address of record, the new correspondence address and phone number, and that the statement is being made by the inventor/applicant. The examiner also informed applicant that the application is now legally abandoned, as more than 6 months have elapsed from the date of mailing of the Office Action, and that applicant may petition to have the application revived after receiving the Notice of Abandonment. Applicant indicated that the correspondence address would be updated with the Office.



TUAN DAM
SUPERVISORY PATENT EXAMINER

Interview Summary	Application No.	Applicant(s)	
	09/873,830	JABRI, MOHAMED I.	
	Examiner	Art Unit	
	Matthew A. Dickeson	2191	

All participants (applicant, applicant's representative, PTO personnel):

(1) Matthew A. Dickeson. (3)_____.

(2) Iyad Jabri. (4)_____.

Date of Interview: See Continuation.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

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Paragraph (b)

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Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: A courtesy call was made on 11/18/2004 by examiner Matthew A. Dickeson to applicant Mr. Iyad Jabri at the phone number of record, (972) 633-8555, to confirm applicant's representation status for this application. It was determined that the phone number of record was no longer valid. The examiner performed a preliminary search for applicant's firm, and re-attempted to call applicant on 11/18/2004 at the phone number found, (972) 527-3065. A detailed message was left for applicant.

Applicant called the examiner on 12/15/2004 and left a detailed message indicating that this application would be prosecuted pro se, and left a cellular telephone number, (972) 489-4062; applicant stated that the examiner may contact applicant at this phone number regarding this application..



TUAN DAM
SUPERVISORY PATENT EXAMINER